

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER



DATE

September 09, 2010

MOTOR CARRIER MATTER



DOCKET NO.

2009-311-C

UTILITIES MATTER



ORDER NO.

SUBJECT:

DOCKET NO. 2009-311-C - Genesis Telecommunications, LLC, Complainant/Petitioner v. United Telephone of the Carolinas d/b/a CenturyLink (f/k/a Embarg), Defendant/Respondent - Discuss with the Commission the Petition for Rehearing or Reconsideration Filed on Behalf of Genesis Telecommunications, LLC.

COMMISSION ACTION:

Move that we deny the Petition for Rehearing or Reconsideration of Order No. 2010-542 filed by Genesis Telecommunications, LLC in this complaint matter against CenturyLink, in that Genesis has identified no point of fact or law that this Commission overlooked or misapprehended in rendering the decision. Genesis merely restated and reargued points that were specifically considered and rejected by this Commission in Order No. 2010-542. One point in particular deserves further specific refutation. Genesis claims that "the ambiguity in the ICAs must be construed against CenturyLink" because, Genesis asserts, "it is patently obvious that Genesis did not draft its current ICA". However, what Genesis fails to recognize is the significance of its voluntary adoption of the ICA. CenturyLink did not negotiate the drafting of the Bullseye ICA with Genesis. Rather, Genesis chose to adopt it, rather than keep its original ICA or opt for any of the other ICA's that CenturyLink had entered into. In that contractual scenario, any ambiguity in the voluntarily adopted ICA might equally be construed against the company that chose the particular contract, namely Genesis. Petitioner's argument remains unavailing, and is unaccompanied by any other assertion to persuade this Commission that it was incorrect in determining that CenturyLink has provided DS1 loops to Genesis in accordance with the ICA chosen by Genesis, federal regulations, and industry standards.

PRESIDING: HowardSESSION: SpecialTIME: 11:15 a.m.

	MOTION	YES	NO	OTHER	
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
HALL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Not Voting</u>	Not on Commission at time of the original hearing
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
MITCHELL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		

(SEAL)

RECORDED BY: J. Schmieding

